

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA	)	
	)	
Plaintiff,	)	8:03CR141
	)	
v.	)	
	)	
LARRY D. CAGE	)	ORDER
	)	
Defendant.	)	
_____	)	

This matter is before the Court on defendant's motion to amend his 28 U.S.C. § 2255 motion (Filing No. 116), and his notice of appeal (Filing No. 119). On October 17, 2006, the Court considered and denied his § 2255 motion. Thus, his motion to amend is untimely and will be denied.

The Court further notes defendant has not paid the appeal fee; nor has any motion to proceed *in forma pauperis* has been received. The Court will permit defendant to proceed on appeal *in forma pauperis*. However, defendant has not made a substantial showing of the denial of a constitutional right, and no certificate of appealability will issue. Accordingly,

IT IS ORDERED:

1) Defendant's motion to amend his 28 U.S.C. § 2255 motion is denied.

2) Defendant is permitted to proceed on appeal *in forma pauperis*.

3) No certificate of appealability will issue.

DATED this 4th day of January, 2007.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court